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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/018,702 | 12/13/2001 | Risto Makinen | 989.1039 | 1631 |

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT PAPER NUMBER

3654

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/018,702

Applicant(s)

MAKINEN ET AL.

Examiner

William A Rivera

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-22 is/are rejected.
- 7) ☐ Claim(s) 7 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “guiding member is a rotating guiding member” as set forth in Claims 10 and 19, lines 1-2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The examiner MUST approve all changes to the drawings, other than informalities noted by the Draftsperson, before the application will be allowed. Applicant is required to submit a sketch or copy of the drawings with the proposed changes highlighted in red ink in response to this Office Action. Any proposed changes to the drawings must be submitted as a separate letter to the Draftsperson. See MPEP 608.02 (r). No changes will be permitted, other than correction of informalities, unless the examiner has approved the proposed changes. However, formal correction of the noted defect(s) can be deferred until the examiner allows the application.

Claim Rejections - 35 USC § 112

Claims 5 and 8-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is vague and indefinite. On line 2, the phrase “one or more flexible members” is unclear because it sets forth non-equivalent alternatives. Applicants may consider the alternative phrase --at least one flexible member--.

Claim 8 is vague and indefinite. On line 3, the word “it” is unclear. What is “it” referring to? On line 7, the phrase “in the vicinity of the peripheral surface” is unclear. What

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constitutes “in the vicinity”? Applicants may consider the alternative term --adjacent--. On line 11, the word “its” is unclear. What is “its” referring to?

Claim 12 is vague and indefinite. On line 2, the phrase “one or more flexible members” is unclear because it sets forth non-equivalent alternatives. Applicants may consider the alternative phrase --at least one flexible member--.

Claim 14 is vague and indefinite. On lines 3-4, the phrase “advantageously under the angular distance of 30°” is unclear. “Advantageously” as compared to what other position?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-13, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Aalto et al (U.S. Patent No. 5,779,183).

With respect to Claims 8-13, Aalto et al, Figures 1-4, teach a device in connection with a reel-up of a paper web, comprising a rotating reel spool 12 and around the same a reel 13 formed from the paper web passed to the reel-up, wherein the device can be arranged in contact with the surface of the rotating reel and it comprises a press member 11 forming a nip with the peripheral surface of the reel and rotating substantially at the same surface speed therewith, wherein in addition to the press member, the device comprises a guiding member 20 separate from the press member 11 which can be transferred in the operating position in the vicinity of the peripheral surface of the reel or in contact with the same to guide the final free end of the web, i.e. a tail

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moving along with the rotation of the reel, against the peripheral surface of the reel, wherein the guiding member is in the operating position within a distance from the press member (distance between N and D) from the press member in the direction of the perimeter of the reel and its surface that is located opposite to the reel is arranged to have a lower speed in the direction of motion of the peripheral surface of the reel than the peripheral surface of the reel; the guiding member is a static member; a rotatable guiding member; the guiding member has an elastic surface and one or more flexible members and comprises bristles.

With respect to Claims 1-6 and 17-22, the method described in these claims would inherently result from the use of the device of Aalto et al as advanced above.

Allowable Subject Matter

Claims 7 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is (703) 308-2684. The examiner can normally be reached Monday through Friday from 2:00 PM to 10:00 PM.

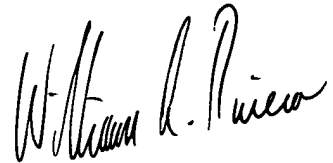
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688.

Telephone status inquiries regarding this application should be directed to (703) 308-1113. **Facsimile correspondence** for this application should be sent to the following respective numbers:

For **BEFORE FINAL** correspondence: (703) 872-9326

For **AFTER FINAL** correspondence: (703) 872-9327

A handwritten signature in black ink, appearing to read 'William A. Rivera', is written in a cursive style.

**WILLIAM A. RIVERA
PRIMARY EXAMINER**

September 15, 2003